United Nations S/2017/859

Security Council

Distr.: General
12 October 2017

Original: English

Report of the Secretary-General on the situation with respect to piracy and armed robbery at sea off the coast of Somalia

I. Introduction

1. The present report is submitted pursuant to paragraph 33 of Security Council resolution 2316 (2016), in which the Council requested an annual report on the situation with respect to piracy and armed robbery at sea off the coast of Somalia.

2. The report covers major developments since my previous report of 7 October 2016 (S/2016/843) through 30 September 2017. The report is based on information provided by the United Nations system, the International Criminal Police Organization (INTERPOL), the International Maritime Organization (IMO) and Member States and regional organizations, including the European Union and the North Atlantic Treaty Organization (NATO).

II. Main developments, trends and considerations regarding piracy off the coast of Somalia

A. Major developments and trends during the reporting period

3. During the reporting period, efforts to minimize acts of Somali piracy continued thanks to the efforts of the Contact Group on Piracy off the Coast of Somalia to foster governance and the rule of law within Somalia, the physical presence of international naval forces and the observance of the IMO *Best Management Practices for Protection against Somalia-based Piracy* by the shipping industry. However, a slight increase in piracy activities between March and June 2017 pointed to the root causes as not being fully addressed. In October 2016, there had been an attempt to attack the chemical tanker *Korea*, travelling 300 nautical miles east off the Somali coast, outside the Internationally Recommended Transit Corridor, but the attempt failed after an exchange of gunfire with the ship's security forces led to the suspected pirates fleeing the scene. From May 2012 until March 2017, no merchant vessel had been successfully attacked by Somali pirates.

4. During March and April 2017, six successful pirate attacks occurred involving the hijacking for ransom of cargo ships and dhows, including the *Aris 13*, the *Casayr II-No. 30*, the *Al Kausar* and the *Salama*. In April 2017, Chinese and Indian naval forces thwarted an attack on the *OS-35* and, later the same month, Chinese naval

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forces and the European Union Naval Force (EU NAVFOR) prevented an attack on the *Al Heera*. Local authorities in Puntland and Galmudug contributed to hostage negotiations and the release of the crew of the *Aris 13* in March, and of the crew of the *Al Kausar* in April, as well as assisted with identifying the apprehended suspects. Twenty-two unsuccessful attacks or suspicious maritime activities were recorded from March to 30 September 2017. Of the 29 attempted or successful attacks during the reporting period, only 2 were against fishing vessels.

5. The hijackings in 2017 began four months after NATO terminated its counter-piracy operations (Ocean Shield) off the coast of Somalia. According to the Shared Awareness and Deconfliction risk assessment, which is a major source of maritime threat assessments, the spike in recent incidents may imply that piracy networks have retained the capability and intent to commit acts of piracy, but were dissuaded from carrying them out by the international naval presence, which includes the European Union, the Combined Maritime Forces and the independent naval forces of China, India, Japan, the Republic of Korea, the Russian Federation and Turkey, among others, in the Gulf of Aden and the Somali Basin. The European Union is reviewing the continuation of its naval presence (Operation Atalanta) after 2018. Withdrawing that presence may present increased opportunities for piracy.

B. Addressing root causes

6. The recent attacks demonstrate that the underlying conditions fuelling piracy have not changed, and that piracy networks are still active. Pirate groups remain opportunistic, given the relative ease with which operatives may source weapons and skiffs, making it an option with a low threshold for entry. Several factors add to the risk of a resurgence in piracy activities, including: coastal communities' perceptions of weak coastal and marine resources protection by federal, international and local authorities, especially with regard to illegal fishing by foreign vessels; the ease of recruitment of potential pirates and the financing of attacks as a result of strong criminal networks operating onshore and internationally; the weakness of the institutional capacities and legal frameworks that identify, capture, prosecute and convict suspected pirates and their accomplices; and the lack of alternative income-generation opportunities for affected coastal communities. The perception of a more peaceful environment off the coast of Somalia, the recent favourable weather conditions in the pre-monsoon period and the ongoing humanitarian crisis within Somalia may also have prompted the recent attacks.

7. In addition, a number of external factors contribute to the persistent risk. Commercial ships are not adhering to the *Best Management Practices*, and are deviating from the Internationally Recommended Transit Corridor, taking increased risks and reducing their usage of private security personnel. In addition, there is weak information-sharing on the part of the international community, regional instability, and the fact that pirates are possibly viewing the current environment as permissive owing to the recent reduction in the international naval presence. As long as those external and internal conditions remain, so will the risk of further attacks off the coast of Somalia and in the Gulf of Aden.

III. Development of counter-piracy efforts within Somalia

A. National legal and policy frameworks

8. The Federal Government of Somalia has been developing a policy framework for the Somali Coast Guard, with technical assistance from the United Nations

Assistance Mission in Somalia (UNSOM) and the European Union Mission on Regional Maritime Capacity-Building in the Horn of Africa (EUCAP Nestor, now rebranded as EUCAP Somalia), under the Somali Maritime Resource and Security Strategy overseen by the Maritime Security Coordination Committee. The Federal Government has also been working towards a revision of its Maritime Code, and the establishment of a Maritime Administration Department under the Ministry of Ports and Marine Transport, with the assistance of IMO. The new Department will aid the Federal Government in undertaking its flag, port and coastal State maritime responsibilities.[1]

9. Somalia, as a party to the Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations (FAO), which was the first international agreement to target illegal, unreported and unregulated fishing, has requested assistance with its implementation. Under a technical cooperation project with FAO, Somalia will update its information on current practices, procedures and laws concerning ports, flags and coasts; undertake a national gap analysis and needs assessment; review related international instruments and existing regional coordination mechanisms; and develop a national strategy and action plan. The FAO capacity development workshop held in April 2017 has helped Federal Government representatives formulate national strategies and action plans for improving the country's compliance with the agreement.

B. Capacity-building

10. During the reporting period, the Federal Government and regional administrations continued to build their maritime security capacities, with assistance from international partners, in conjunction with the United Nations trust fund to support initiatives of States countering piracy off the coast of Somalia. The first of a series of planned maritime operations centres became operational in Berbera, under the command of the "Somaliland" coastguard, with assistance from Oceans Beyond Piracy, EUCAP Somalia and the Global Maritime Crime Programme of the United Nations Office on Drugs and Crime (UNODC). The centres are designed to offer Somali maritime institutions greater situational awareness and improved communications between local maritime security institutions and international naval forces operating in high-risk coastal areas.

11. The maritime law enforcement authorities in "Somaliland", Puntland and other coastal regions across Somalia continued to develop their maritime security and justice sectors, with assistance from UNODC and EUCAP Somalia. The UNODC Global Maritime Crime Programme provided in-country maritime law enforcement, engineering and communications mentors who delivered on-the-job training and mentoring to Somali maritime police and coastguard units. Somali maritime police also benefitted from advanced training in Seychelles on visit, board, search and seizure operations under the Programme. Mentors routinely reviewed security conditions at Somali prisons to reduce the risk of escape or mistreatment, especially for prisoners transferred under the Piracy Prisoners Transfer Programme and other

[1] A flag State is one in which a vessel is registered or licensed and under whose laws the vessel operates; a port State is one which holds internationally agreed jurisdiction for the inspection of foreign ships operating outside national ports with regard to their compliance with the requirements of international conventions; a coastal State is one that is not landlocked and is responsible for territorial waters or a territorial sea out to 12 nautical miles, as defined by the United Nations Convention on the Law of the Sea.

high-risk offenders. The Transfer Programme supports prison operations in Hargeysa, "Somaliland", and in Garoowe, Puntland.

12. UNODC continued its multi-year programme of training, procurement and construction work at the Mogadishu prison and court complex, which will be the most technologically advanced and secure prison facility in Somalia. The complex will provide a secure environment for the trials of high-risk prisoners, such as pirates, terrorists and former combatants. During the reporting period, construction work progressed on a high-security cell block, a court complex, accommodation for judges and other administrative buildings. Security and information management training for Somali custodial officers continued with a view to improving their professionalism and the security of the complex.

13. During the reporting period, three new purpose-built patrol boats were procured and delivered by UNODC to the Maritime Police Unit of the Somali Police Force in Mogadishu. The skiffs are better suited to the rough sea conditions off Mogadishu than the dhows they replaced, enabling the Maritime Police Unit to patrol the coast 365 days a year. The Unit now regularly patrols the Mogadishu harbour and the adjacent coastline. The Unit also supported the maritime forces of the African Union Mission in Somalia (AMISOM) in patrolling the seaward approaches to Aden Adde International Airport (formerly known as Mogadishu International Airport).

14. In Puntland, construction of the new headquarters for the Boosaaso port police, which started in 2015, was completed in 2017 and handed over to the police and the Minister for Maritime Transport, Ports and Maritime Crime Prevention. It will serve as a training and operations centre for port police. With assistance from UNODC, the Boosaaso port police have updated their equipment and communications infrastructure in order to facilitate the regular interdiction of vessels used to smuggle people and weapons. UNODC also procured two purpose-built patrol boats for the Boosaaso port police to replace existing skiffs to give the police increased patrol range.

15. The "Somaliland" coastguard updated its sea operations with radio operator training and other support from the UNODC Global Maritime Crime Programme. The training and mentoring efforts are credited with contributing to the coastguard's successful interdiction of illegal fishing vessels and human smugglers. During the reporting period, UNODC engineering mentors assisted in making five patrol boats operational, and will continue training and mentoring for the remainder of 2017.

C. Community issues

16. Somali waters have the potential to be as lucrative as they are vast. They contain rich fisheries that attract fishing fleets from all over the world. The illegal, unreported and unregulated fishing narrative is often stated to justify pirates' actions. However, only 2 of the 29 vessels involved in maritime incidents during the past year were fishing vessels. Livelihood projects such as coastal development and microfinance loans (e.g., the Shuraako programme) are offered as viable revenue-generating alternatives by non-government entities. FAO, UNODC and Secure Fisheries have also supported such efforts to date. The implementation of a component of the European Union-funded Programme to Promote Regional Maritime Security with FAO aims to promote proper and transparent licensed and regulated fishing with regional States to improve the livelihoods of people in coastal communities.

17. In his remarks to the Contact Group on Piracy off the Coast of Somalia in July 2017, the Minister for Fisheries and Marine Resources of the Federal Government of Somalia, Abdirahman M. Abdi Hashi, emphasized the importance of supporting the Federal Government's judicial capacity and its current efforts to address the issue of

illegal, unreported and unregulated fishing, which he characterized as having devastating implications for the alleviation of poverty in Somalia. The Minister highlighted the ongoing work of the Federal Government with federal member states in addressing the lack of economic opportunities, especially through new projects that targeted youth. He acknowledged the need for support to the Federal Government in addressing maritime crime, especially within the Galmudug region.

18. As part of the effort to address the complex linkages between illegal, unreported and unregulated fishing and piracy, the Ministry of Fisheries and Marine Resources continued to identify fishing activities in its exclusive economic zone through information collected from various sources, with assistance from FAO. During the reporting period, the European Union shared with the Somali Ministry information collected by EU NAVFOR vessels on sightings of fishing vessels operating in the exclusive economic zone of Somalia, and in 2016 Somalia became the eighth member of the FISH-i Africa task force, a group of countries in the western Indian Ocean that share information in order to combat and eliminate illegal, unreported and unregulated fishing activities in the region. Somali authorities used that information to halt the activities of some of the vessels identified. However, a weak legal framework and inadequate enforcement capacities often prevented effective follow-up action by the authorities.

IV. International cooperation

A. Contact Group on Piracy off the Coast of Somalia

19. The Contact Group on Piracy off the Coast of Somalia held its 20th plenary session in Mauritius from 5 to 7 July 2017, under the theme "Leaving a lasting legacy for the region". The plenary session was attended by the following countries: Australia, China, Denmark, Djibouti, Greece, France, India, Italy, Japan, Kenya, Mauritius, the Netherlands, Norway, Pakistan, Panama, the Republic of Korea, the Russian Federation, Saudi Arabia, Seychelles, Singapore, Somalia, Spain, Sri Lanka, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Somali delegation included representatives from the Federal Government and the federal member states of Galmudug, Puntland, HirShabelle and the Interim South-West Administration, and from "Somaliland". Many other international, regional and private sector organizations also attended. It was co-hosted by the Indian Ocean Commission under the Chairmanship of Seychelles.

20. The Contact Group remains a vital mechanism and point of contact for the international coordination of all States, international and regional organizations and non-State actors involved in addressing piracy off the coast of Somalia in line with Security Council resolution 1851 (2008). The Contact Group's plenary session reiterated the importance of its working groups and other groups when implementing the work of the Group. The key agreements made by the Contact Group during its plenary session are detailed below.

21. The Contact Group remains committed to the objective of "zero seafarers and zero ships" in the hands of Somali pirates, through the continued efforts of the international community. To achieve that objective, six key elements remain: (a) deterrence, monitoring and maritime surveillance and patrols at sea; (b) compliance with the *Best Management Practices*; (c) legally deployed armed guards on board merchant vessels after the conclusion of a risk assessment; (d) reporting networks to establish adequate maritime situational awareness; (e) the finalization of a legal framework to enable the arrest and prosecution of suspected pirates; and (f) the disruption of onshore pirate networks and financiers.

22. The Contact Group acknowledged the work of the International Seafarers Welfare and Assistance Network and the Maritime Piracy Humanitarian Response Programme, as well as the Contact Group's Piracy Survivor Family Fund, which provides funds for the survivors of Somali piracy and their families so as to enable them to obtain a range of support during and after captivity. The Contact Group recognized the need to continue supporting those initiatives and contributing funds to them, acknowledging that piracy survivors need post-trauma intervention, and that many families have fallen into poverty in the absence of their income sources.

23. The Contact Group supported the outcome of the third London Conference on Somalia, held on 11 May 2017, and the commitment of the Federal Government and the federal member states of Somalia to develop their maritime security capabilities with a capable coastguard function and appropriate anti-piracy legislation.

24. The Contact Group noted the efforts of the Federal Government, the federal member states, "Somaliland", and regional organizations aimed at eliminating piracy activities off the coast of Somalia, in the Gulf of Aden and in the wider Indian Ocean. Of note are the respective achievements against piracy of the Puntland and Galmudug local authorities, which helped to free the crews of the *Aris 13* and the *Al Kausar*. The Contact Group called upon the Federal Government and federal member states to use all possible influence on Somali clans and communities to obtain the release of all hostages. The Contact Group also considered the need to provide support for seafarers held hostage, both during and after captivity, and for their families.

25. The Contact Group commended the establishment of a regional centre for operational coordination in Seychelles on 1 July 2017, and the establishment of the Regional Maritime Information Fusion Centre in Madagascar, in line with the Djibouti Declaration on Maritime Safety and Security in the Eastern and Southern Africa and Indian Ocean Region of 2016. The new centres will augment the existing Djibouti Code of Conduct information network. The Contact Group also acknowledged regional African efforts to cooperate in tackling piracy and related maritime crimes, in particular through the conclusion of the negotiations over the African Union Lomé Charter in October 2016, and the adoption of the Jeddah Amendment to the Djibouti Code of Conduct in January 2017.

26. The Contact Group noted the threat posed by unregulated floating armouries to maritime security, and the paper presented by India entitled "Proposed draft guidelines for floating armouries to the Maritime Safety Committee" that urged IMO to take early action to reduce that threat. The Contact Group also noted industry concerns with regard to the threat to seafarers and ships from non-piracy actions in the Bab al-Mandab strait resulting from the recent Shared Awareness and Deconfliction threat assessment. Those waters, including off the Gulf of Aden and the southern Red Sea, remain critical international trade and supply routes. The Contact Group acknowledged the productive efforts of the Maritime Security Coordination Committee on coordinating the plethora of maritime issues, while noting its need to meet more regularly, which was followed up on by members of the Committee at their annual meeting on 31 July.

27. The Contact Group continued to draw upon its membership network to galvanize international and regional responses to address changing threat conditions in the region. The Contact Group agreed that future Chairs should have a mandate lasting one term of no fewer than two years and should come from the region. The Contact Group will also deliver a strategic communications plan to strengthen its reputation and profile. In addition, it will establish better channels of information and communication for all its members to ensure better access to information on threats and to make progress on counter-piracy work, while highlighting regional successes and contributions to deterrence by relevant action groups.

B. United Nations trust fund to support the initiatives of States countering piracy off the coast of Somalia

28. The trust fund to support the initiatives of States countering piracy off the coast of Somalia, established in 2010 by the Contact Group, continued to provide Somalia and other Indian Ocean regional States with financial assistance to strengthen their judicial capacity to combat piracy. The members of the Board of the trust fund for 2016/17 were Djibouti, Germany, the Netherlands (with Norway), Japan, Kenya, Seychelles, Somalia, the United Arab Emirates, the United Kingdom and the United States. The Intergovernmental Authority on Development (IGAD) was elected as an observer.

29. On 5 July 2017, the Board held its 19th meeting in Mauritius, under the chairmanship of the Department of Political Affairs of the Secretariat. It established new project funding proposal guidelines (see para. 33 below) and approved three new projects amounting to $741,564. Project No. 85 ($119,091) will provide support to the Contact Group's Law Enforcement Task Force activities, with the support of UNODC. Project No. 86 ($380,920) will provide support to address maritime crime in Galmudug, Somalia, with the support of UNODC. Project No. 87 ($241,553) will provide support to a piracy prosecution readiness plan in Seychelles. The Governments of Seychelles and Norway stressed the importance of the project, while the Board determined, on the counsel of Federal Government, that a similar project should be undertaken in Somalia as well. While the Board approved the project, the disbursement of funds will not take place until enough new contributions have been received. During the reporting period, several projects encountered delays as a result of the complex security and political environment in Somalia. Implementation remained ongoing through Board-approved extensions.

30. Since December 2012, the trust fund has received a total of $14,006,227 from 18 donors. As at 31 May 2017, the trust fund had a total balance of $616,753. For 2016, the delivery rate on project expenditures by participating organizations was 75.25 per cent, which was notably higher than the 65.98 per cent delivery rate in 2015 and the delivery rate of 37.64 per cent in 2014. Notable trust fund project achievements reported in late 2016 included the registration of 4,468 fishers and 1,470 fishing vessels from eight coastal districts in Puntland, 1,244 fishers and 156 vessels in Mudug and Jubbaland, and 1,244 fishers in "Somaliland". The registrations have enabled authorities to distinguish legitimate fishers from pirates. Trust fund projects also contributed to an increased number of patrols in Somali waters, which enabled authorities in "Somaliland" to interdict at least 51 illegal fishing expeditions and 1 illegal weapons shipment. The projects also allowed Boosaaso port police in Puntland to interdict illegal shipments of fuel from Yemen. In 2017, a trust fund project enabled Maritime Police Units to launch patrols of Somali waters around Mogadishu following a 20-year hiatus.

31. However, progress was slower in the south of Somalia, where political challenges and insecurity delayed a project intended to strengthen the capacity of the judiciary to conduct piracy trials, as well as the reconstruction of the Benadir court complex that was attacked by Al-Shabaab in April 2013. Challenges also remain in the area of piracy prosecutions, to which the trust fund allocates approximately 19 per cent of its funds. While progress has been made over the past few years in the arrest, transfer, prosecution, detention and conviction of piracy suspects after trial, pirate kingpins remain at large and criminal networks continue to operate. Those challenges underscore the importance of the international community's continued support of the trust fund's work in that vital area.

32. At their meeting on 5 July, trust fund Board members noted that the main trend in maritime piracy during March and April 2017 was the hijacking of large commercial vessels, and noted the real risk that hijackings could resume. It also noted the expanding scope of hijackings for ransom of smaller dhows and fishing vessels beyond the territorial waters of Somalia. The Board was of the view that those developments indicated that the progress made in addressing piracy, while significant, remained fragile and reversible.

C. Strategic review of counter-piracy projects in Somalia and the region

33. The strategic review of trust fund project No. 78, carried out by Bauman Global LLC at the request of Board members, included an assessment of trust fund-supported projects to determine if they aligned with the changing piracy context. In addition, the review identified programmatic gaps and how the trust fund or other actors might be able to fill them. The review was completed in January 2017 and its findings were approved by the Board in July 2017. The findings noted that new projects should meet some or all of criteria set out below.

- Encourage international cooperation against pirate kingpins.
- Encourage other Somali development mechanisms, drawn from the national development plan for Somalia, to produce targeted programmes for the prevention of piracy.
- Fund small pilot projects in neglected or underserved areas in regions such as Himan and Heeb and Galmudug. The projects should be designed to avoid recruitment to piracy and ensure a path to handover and sustainability.
- Support research, analysis, monitoring and evaluation to establish effective piracy prevention approaches.

Board Members discussed the findings and agreed on a moderate shift in focus for future trust fund projects, in which funded projects played a more catalytic role in piracy prevention, in line with the recommended criteria above.

V. Strategic maritime security activities

A. International capacity-building

34. The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs is continuing to implement its capacity-building programme for Somalia under trust fund project No. 61. The Division is currently working with the Federal Government of Somalia and UNSOM to deliver, by the end of 2017, a second briefing for members of the Somali Parliament on issues related to ocean affairs and the law of the sea, which will also allow the introduction of a gap analysis of the Somali legislative and policy framework for oceans to all relevant officials.

35. The Somali Maritime Resource and Security Strategy remains at the core of capacity-building efforts, providing a road map of implementable tasks arranged into strategic groups with lead implementers FAO, UNODC and UNSOM coordinating different agencies towards identified goals. Coordination of the process between recipients at State and regional levels is done by the Maritime Security Coordination Committee, chaired by the Federal Government and supported by IGAD through the European Union Programme to Promote Regional Maritime Security in the Eastern and Southern Africa-Indian Ocean (EU MASE). Overall coordination of the Somali

Maritime Resource and Security Strategy remains with Oceans Beyond Piracy. Coordination of the wider region's anti-piracy capacity-building beyond the waters of Somalia is undertaken by a regional capacity-building working group of the Contact Group, supported by UNODC and Oceans Beyond Piracy.

36. The Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism, located within UNODC, while not focused on piracy and having a limited involvement in Somalia, has helped the Somalia Financial Reporting Center strengthen its analytical and reporting capacity, in cooperation with other United Nations teams involved in Somalia. The Global Programme agreed to conduct a financial disruption training course with the Center and the UNODC Global Maritime Crime Programme at the airport in Mogadishu during October 2017. The course will be held for Center and Somali National Intelligence and Security Agency personnel, and bring together international experts such as personnel from the United States Africa Command to focus on counter-terrorist financing and the nexus with organized criminal activities such as wildlife and environmental crime.

B. Naval activities off the coast of Somalia

37. NATO ended its Operation Ocean Shield on 16 December 2016, after more than seven years of counter-piracy patrolling in the Indian Ocean. However, NATO continued its engagement in the area, albeit in different forms, thereby lending its support to the international community's efforts to combat piracy. It retains its maritime situational awareness and close links with other international counter-piracy actors, including the NATO Shipping Centre in the United Kingdom, which regularly interfaces with the global shipping community. NATO continued its partnerships with various counter-piracy actors and remained active in counter-piracy forums such as the Shared Awareness and Deconfliction mechanism and the Contact Group on Piracy off the Coast of Somalia. In late 2017, NATO will consider options for renewing its operational role in counter-piracy by considering the evolving piracy situation and ongoing efforts by key naval actors in the region, including EU NAVFOR and Combined Task Force 151.

38. EU NAVFOR continued to counter piracy under Operation Atalanta, which typically involves up to three warships, two maritime patrol aircraft and up to 1,000 personnel, covering an area from the Red Sea to the Arabian Sea into the Indian Ocean, down to the Mozambique Channel. EU NAVFOR was augmented in 2017 through the periodic inclusion of warships from the Republic of Korea. Operation Atalanta is home to the Maritime Security Centre-Horn of Africa, which provides maritime situational awareness in assessing vessel vulnerability, categorizing convoy and protection requirements in the Bab al-Mandab strait and the Internationally Recommended Transit Corridor, releasing periodic threat assessments and assuring the shipping industry of a military response to piracy in the region.

39. EU NAVFOR continues to co-chair coordination meetings of the Shared Awareness and Deconfliction mechanism on a rotational basis with the Combined Maritime Forces, working in partnership with regional navies and independent contributors, which include China, India, Japan, the Republic of Korea, the Russian Federation and Turkey, among others. Since 2008, EU NAVFOR has protected ships delivering more than 1.5 million tons of World Food Programme aid to Somali ports, as well as AMISOM support vessels. No ship operating for either organization has been seized by pirates. At the end of 2016, the EU NAVFOR mandate for Operation Atalanta was extended to 31 December 2018, pending a review for commitment beyond that date.

40. During the reporting period, EU NAVFOR, the Combined Maritime Forces and NATO each continued to operate under a dedicated multinational naval counter-piracy partnership comprising 31 members with missions to protect merchant vessels and deter pirate activity in the Gulf of Aden and the western Indian Ocean, as authorized by the Security Council under its resolution 2316 (2016). The Combined Maritime Forces, operating as Combined Task Force 151, continues to patrol the Red Sea, the Gulf of Aden, the Arabian Sea, the Somali Basin and the northern Indian Ocean. EU NAVFOR and the Combined Maritime Forces presented their latest joint threat assessment to the shipping industry at the Shared Awareness and Deconfliction meeting in Bahrain in May 2017 and to government representatives at the Contact Group meeting in Mauritius in July 2017. Both EU NAVFOR and the Combined Maritime Forces have made the assessment that, despite the recent spike in incidents in the inter-monsoon period, the tactical indicators and warnings do not point to a resurgence in piracy.

41. In addition, the naval forces of individual Member States, such as China, India, the Islamic Republic of Iran, the Russian Federation and Turkey, continued to uphold security in the seas around Somalia by protecting and escorting commercial vessels in order to deter piracy activities. The annex to the present report lists several contributions by Member States in relation to combating piracy and armed robbery off the coast of Somalia.

C. Improving maritime security and law enforcement

42. The Oceans Beyond Piracy report entitled "Stable sea.: Somali waters" of May 2017 shows that, while counter-piracy efforts have been largely successful as a result of issue-specific approaches on maritime governance, they address only narrow problems without fundamentally undermining or transforming the pirate networks responsible for attacks. Criminal networks are adaptive and will seek new ways to profit from poor maritime governance. As demonstrated by recent incidents (see para. 4), Somalia remains fragile and open to influence by militant and criminal networks. The disruption of onshore piracy networks and financiers is pivotal to uprooting piracy from the region. Until international and Somali stakeholders seek holistic strategies for building up the country's maritime security sector, including by improving national capacity to manage and patrol its extensive territorial waters over the long term, criminal networks can adapt to the prevailing circumstances by shifting criminal activities and operational bases to avoid international interference, guided by profit-driven motives.

43. IMO continued to assist signatory States to the Djibouti Code of Conduct in the implementation of capacity-building activities. The activities included a range of maritime security table-top contingency planning exercises aimed at highlighting the need for an integrated multi-agency approach to the implementation of maritime security measures, utilizing a range of security-related scenarios involving policy decisions and crisis/emergency management and response. IMO, in cooperation with the NATO Maritime Interdiction Operational Training Centre, the Saudi Arabia Border Guard, the European Union, UNODC and other entities, continued its support of regional training efforts, including maritime interdiction and coastguard training at sea.

44. During the reporting period, UNODC was appointed as the secretariat for the Law Enforcement Task Force by the Contact Group on Piracy off the Coast of Somalia, and revived Task Force coordination meetings after a lapse of two years. The Task Force meeting was held in The Hague on 19 May 2017, and included senior investigators and prosecutors from seven countries and three international organizations. That meeting provided an opportunity for law enforcement agencies

and prosecutors from each participating State to update the group on the status of investigations and progress since the last meeting. There were investigations by multiple jurisdictions on common targets, and the Task Force meeting provided a forum for information-sharing among law enforcement agencies on the specific targets. The revived Law Enforcement Task Force plans to meet more regularly with the support of UNODC as its secretariat, and it will continue to pursue and bring to justice pirate leaders and financiers.

45. Under the European Union-funded Critical Maritime Routes Law Enforcement Agency Project, 64 Somali law enforcement personnel received training on INTERPOL policing capabilities and investigative techniques between June 2016 and June 2017. Training sessions were given to officers of the Criminal Investigative Department in Mogadishu. AMISOM, in partnership with the Royal Canadian Mounted Police, who contributed 10 laptop computers, provided basic information technology equipment to the Somali federal police to enable them to work more efficiently.

46. With regard to the financing of and money-laundering by criminal networks, the projects of EU MASE and the Common Market for Eastern and Southern Africa (COMESA) are currently being driven by INTERPOL in an effort to stem the parallel crime network structures that support piracy operations. Following calls by the international community to target terrorism financing, money-laundering and the support structures on which the piracy networks survive, INTERPOL designed and launched a European Union-funded project that aims to develop and enhance the financial investigative capacity of COMESA member States and Somalia. It is being implemented over a period of 18 months, with the aim of providing different levels of training and capacity-building to law enforcement agencies to combat money-laundering and terrorism financing activities stemming from maritime-related crimes. Djibouti, Kenya, Mauritius, Seychelles and the United Republic of Tanzania have already observed a sharp increase in the number of relevant investigations undertaken.

47. In December 2016, EUCAP Nestor was rebranded as EUCAP Somalia and given a new, broadened civilian maritime security mandate: to assist Somalia in strengthening its maritime security capacity to enable maritime law to be enforced more effectively. EUCAP Somalia aims to advise Somali federal and regional authorities in the development of their coast guard and maritime policing functions, both on land and at sea. It provided strategic-level advice to both the National Security Office, the National Maritime Coordination Committee and the Maritime Security Coordination Committee, as well as specialized training and mentoring, including on specific rule of law and security niches such as cooperation between the police and prosecutors and on the drafting of laws to civilian maritime law enforcement agencies, the judiciary and prosecutors. Such activities ensured a focus on the development of resilient and sustainable maritime security architecture and of a national priority to establish a civilian federal coastguard model. EUCAP Somalia worked with international partners, such as UNODC and the AMISOM Marine Unit, to respond more effectively to the country's priorities and support the implementation of a comprehensive national maritime strategy, in line with the European Union Strategic Framework for the Horn of Africa and the European Union Regional Action Plan 2015-2020.

D. Emerging issues in the Indian Ocean rim

48. The Department of Political Affairs took steps recently to strengthen its cooperation with the Indian Ocean Commission. Following a joint workshop in Mauritius on 8 and 9 August 2017, a draft framework of cooperation was developed to address the unique needs and maritime security challenges of African island States,

which include: the prevalence of illicit flows of narcotics (some 40 per cent of the global supply passes undetected through the area); repercussions from the rise of piracy off the coast of Somalia; and risks of violent extremism. The framework and its aligned action plan focus on the priority areas of mediation and preventive diplomacy, counter-terrorism and the prevention of violent extremism, transborder security, electoral support, and women, peace and security. The framework envisages cooperation between the two organizations and is expected to be endorsed at the next meeting of the Council of Ministers of the Indian Ocean Commission in November 2017.

49. Concerned by the emerging threat of criminality in the Indian Ocean, the Indian Ocean Forum on Maritime Crime of UNODC established the Southern Route Partnership as a regional platform to counter drug trafficking at sea. In Colombo, on 29 October 2016, the Partnership convened a high-level meeting of Interior Ministers of the Indian Ocean region to counter drug trafficking, which was co-hosted by the Government of Sri Lanka and UNODC. The meeting was attended by representatives of 18 littoral States of the Indian Ocean region, including seven Ministers and Deputy Ministers for Interior/Home Affairs and special envoys and senior officials. The meeting was attended by seven international organizations/partner agencies and United Nations agencies engaged in counter-narcotics initiatives in the region. The participants discussed the development of a regional approach and cooperation to combat the growth in drug trafficking in the region. Special attention was paid to the threat of narco-criminality infiltrating Indian Ocean States. As a result, States agreed on a regional approach called the Colombo Declaration. In June 2017, the Partnership convened a meeting of the heads of drug enforcement agencies to coordinate plans for the upcoming post-monsoon period (September to November 2017).

VI. International legal and judicial issues, including human rights considerations

A. Legal frameworks

50. The signatories to the Djibouti Code of Conduct held a high-level meeting in Jeddah, Saudi Arabia, hosted by Saudi Arabia and IMO, with support from UNODC and INTERPOL. Participants adopted a revised and broadened Code of Conduct, known as the Jeddah Amendment to the Djibouti Code of Conduct, 2017. Signed by 13 States, the Jeddah Amendment addresses other illicit maritime activities that threaten regional maritime safety and security, such as the trafficking of arms, drugs and wildlife; maritime terrorism; illegal, unreported and unregulated fishing; illegal oil bunkering; crude oil theft; human trafficking; and illegal toxic waste dumping. The new agreement includes all the existing provisions of the Djibouti Code of Conduct and considers the relevant aspects of Security Council resolutions, General Assembly resolutions, Conventions, IMO guidance and regional agreements that apply to the maritime domain beyond addressing piracy and armed robbery at sea, including the need for effective maritime governance.

51. At its fifth session, in December 2016, the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies of the Human Rights Council discussed the operations of those companies in maritime and other contexts (see A/HRC/WG.10/5/2). At the conclusion of its sixth session, in May 2017, the working group recommended that the Human Rights Council consider establishing a new intergovernmental working group, mandated to commence elaborating an international regulatory framework to protect human rights and ensure accountability for violations and abuses relating to the

activities of private military and security companies, informed by the discussion document presented by the Chair-Rapporteur, with further inputs from Member States and other stakeholders (see A/HRC/36/36).

B. Hostage release and support efforts

52. Since January 2016, 26 hostages have been rescued through the efforts of the Hostage Support Partnership, including the Filipino crew of the *Naham 3*, who were released after five years of captivity. The Partnership is leading efforts to obtain the release of eight Iranian hostages from the *Siraj*, who remain alive but in poor condition, having been held for more than two years in Galmudug by two separate pirate groups. In addition, several non-maritime hostages are being held by former pirate groups, including two Kenyan contractors who were captured while building a petrol station in Mogadishu and are currently being held near Xarardheere under the criminal kingpin known as "Garfanje".

53. INTERPOL continued to implement its Hostage Debriefing Initiative. Under the Initiative, 12 seafarers kidnapped and held hostage by Somali pirates from five different merchant vessels hijacked off the Horn of Africa (the *Eglantine*, the *Free Goddess*, the *Leopard*, the *Naham 3* and the *Smyrni*), were debriefed in Manila in December 2016. The debriefings were conducted by expert law enforcement personnel of the United States Naval Criminal Investigative Service and attended by representatives of the Philippine National Police, the Philippine Center on Transnational Crime, and the Maritime Industry Authority of the Philippines. Data obtained from debriefings were incorporated into the INTERPOL Global Database on Maritime Piracy, resulting in analytical reports on hijacking incidents that have been shared with law enforcement agencies internationally to support the prosecution of those who illicitly finance, plan, organize or unlawfully profit from pirate attacks off the coast of Somalia.

54. The International Seafarers Welfare and Assistance Network led efforts to support the families of hostages during and after captivity. A number of human rights and international labour issues remain, however, especially with regard to the responsibilities of employers for crewmembers and their families and, in particular, in situations where those vessels engage in illegal, unreported and unregulated fishing off the coast of Somalia, concerns about employers requiring crews to operate in known high-risk areas.

C. Cooperation on piracy-related prosecutions

55. The timely sharing of maritime threat and risk assessments and situation awareness reports remained insufficient across all critical stakeholders. One example of the importance of the work is the recent identification of a suspect among refugees arriving in Europe from Africa who was successfully identified using the INTERPOL database of piracy suspects. Belgian prosecutors successfully convicted Mohamed Abdi Hassan, also known as Afwenye, who received a 20-year prison sentence, and his associate Mohamed Moalin-Aden, also known as Tiiceey, who received a 10-year prison sentence. The work of the Police and Piracy Intelligence Cell and the Attorney General of Seychelles led to indictments against Mohamed Garfanji, Abdukadir Mohamed (Afwenye's son) and Mohamed Abdi Hiyir, an achievement that was also noted at the meeting of the Law Enforcement Task Force in May 2017.

56. During the reporting period, a piracy prosecution readiness plan was established in Seychelles under UNODC, in partnership with EU NAVFOR and the Regional Fusion and Law Enforcement Centre for Safety and Security at Sea. That initiative

brings together the expertise and involvement of international partners to ensure that the capacity, including skills, equipment and facilities, for piracy prosecutions is further sustained and developed for the region. As a result of those efforts, Seychelles has become a leading regional prosecution centre with regard to countering maritime piracy. Belgium, India, Mauritius and Seychelles have all successfully convicted pirates in the past 12 months. The successful convictions of pirates by Member States, the repatriation of pirates to serve prison terms in Somalia and the reintegration of former pirates back into Somali society all contribute to reducing acts of piracy. The Federal Government of Somalia still requires support to complete the full development of its legal framework in order to enable it to expedite the arrest and prosecution of pirate and criminal kingpins and financiers.

VII. Observations

57. I welcome the significant progress made to date on counter-piracy efforts off the coast of Somalia. Ownership of counter-piracy measures by the Somali people is critical, since without their full support no lasting solution can be realized. Ultimately, the lasting solution to countering piracy lies onshore, through the creation of economic opportunities and alternative revenue generation for would-be pirates, together with improved prospects for current and future generations of Somali coastal communities and support for entities currently engaged in that difficult task. Somali authorities must be supported in developing a legitimate fishing economy and ending illegal, unreported and unregulated fishing by foreign fleets; building their own sustainable fisheries industry that could improve coastal livelihoods and provide relief from food shortages; and creating an alternative to piracy and other crimes. Piracy cannot be tackled in isolation from sustainable development, which includes ensuring a more stable and secure future for Somalia. The United Nations stands ready to assist the Federal Government and the people of Somalia in that regard.

58. I recognize and appreciate the collective efforts to tackle the root causes of piracy off the coast of Somalia, particularly poverty in coastal areas, and to reduce illegal, unreported and unregulated fishing and the presence of foreign fishing vessels within the exclusive economic zone of Somalia, especially through the implementation of a transparent fishery licensing regime.

59. I am concerned about the incidents of piracy that have occurred over the past eight months, which were the first in five years. They are a clear reminder that the root causes of piracy have not been fully addressed either within Somalia or at sea, and that the country remains vulnerable to acts of piracy. I welcome the swift response to the incidents, particularly by Somali authorities. The limited number of incidents, however, also demonstrates the at least partial effectiveness of counter-piracy measures, including international naval presence and escorts; multinational counter-piracy operations; continued vigilance by vessels transiting the Indian Ocean and adherence to the *Best Management Practices*; and building the maritime policing and coastguard capacities of Somalia. The latter are among the best means to deny pirates opportunities and deter further attacks.

60. I appreciate the continued efforts of the Somali authorities and partners to strengthen long-term resilience against piracy, including the development of governance and judicial mechanisms for tackling piracy, as well as the ongoing efforts to revise the Somali Maritime Code and develop the new Somalia Maritime Administration Department. I also commend the work of the Law Enforcement Task Force of the Contact Group on Piracy off the Coast of Somalia, and the Indian Ocean Prosecutors Network of the Indian Ocean Forum on Maritime Crime, which enables the effective prosecution of transnational maritime crime across the Indian Ocean.

Together we must strive to combat piracy by reducing related transnational organized crime, including financing, money-laundering and other support structures that piracy networks need to survive. Targeting pirate kingpins and criminal networks must remain a priority.

61. I reiterate my call to the Federal Government of Somalia to implement international standards by becoming a State party to the United Nations Convention against Transnational Organized Crime, strengthening its law enforcement capacity and enhancing collaboration with other countries, including on extradition agreements.

62. I reiterate my call for the immediate and unconditional release of all seafarers and other civilians held hostage in Somalia. In that regard, I commend the work of the Hostage Support Partnership. I renew my call to governments, industry and humanitarian organizations to reduce the burden on piracy survivors and their families, including through contributions to the Piracy Survivor Family Fund. I particularly commend the actions of the Chinese and Indian navies in freeing the crew of the *OS-35*.

63. I thank Seychelles for its ongoing leadership in its role as Chair of the Contact Group on Piracy off the Coast of Somalia for 2016/17 and the Indian Ocean Commission for its role as co-host. I applaud the ongoing work of the Contact Group, international naval forces, the international community and the federal and regional authorities of Somalia for their continued efforts in fighting piracy off the coast of Somalia and around the region more generally.

64. The achievements made demonstrate high levels of local, national, regional and international cooperation in addressing piracy, which remains a threat to international peace and security.

Annex

Contributions of Member States in relation to combating piracy and armed robbery off the coast of Somalia

Bilateral contributions to the implementation of Security Council resolutions 2246 (2015) and 2316 (2016) during the reporting period

Burundi

The Government of Burundi, with regard to the implementation of Security Council resolution 2316 (2016), has taken many actions, as set out below.

- Sponsored a study based on the International Convention for the Safety of Life At Sea and the International Convention on Maritime Search and Rescue.
- Is a signatory to the Djibouti Code of Conduct as at 29 January 2009.
- Established search and rescue coordination centres with an inter-ministerial risk and disaster management commission, which is the high-level body for overall coordination management across several Ministries, including the National Police of Burundi. Established a national search and rescue service to create synergies between the various players involved in crisis management at sea.
- Established a maritime port authority that includes the creation of a marine police unit responsible for regulating and controlling traffic in the transport corridors and inland waterways and for training and capacity-building.

China

Since 2008, and up to July 2017, the Navy of the People's Liberation Army of China has dispatched 26 escort task forces, involving 83 vessels and 22,000 soldiers, to carry out escort missions in these locations. The Navy has escorted about 6,400 ships, many of which were foreign or World Food Programme ships, and has helped more than 60 Chinese and foreign ships by preventing some 3,000 suspected pirate ships from launching attacks, which helped to secure this important international trade route. On 9 April 2017, the frigate *Yulin* of the 25th Chinese naval escort force received a message that the *OS-35* had been hijacked by pirates. The *Yulin* sailed towards the waters north-west of the Socotra Islands at high speed, and 16 special operations soldiers rescued 19 crew members and captured three pirates.

European Union

The European Union supports the implementation of the Somali Maritime Resource and Security Strategy and the functioning of the Maritime Security Coordination Committee.

Lithuania

Lithuania has been contributing to European Union Naval Force (EU NAVFOR) Operation Atalanta since early 2011. Starting January 2018, Lithuania will significantly increase its contribution to the Autonomous Vessel Protection Detachment that works to protect World Food Programme vessels.

Mexico

Transactions with illegal proceeds from crimes (money-laundering, including from criminal acts related to piracy) can be prosecuted under the country's Federal Criminal Code. Piracy offences, in accordance with article 146 of the Code, can be

prosecuted under Article 400 bis. Since 2004, Mexico has had a Financial Intelligence Unit attached to the Ministry of Finance and Public Credit. Its main function is to receive, analyse and disseminate information from financial reports/notices presented by the reporting entities, whether financial institutions or designated non-financial businesses and professions. Mexico is also an active participant in various intergovernmental, multilateral, regional and bilateral forums dedicated to the prevention, detection and combat of money-laundering and financing of terrorism including:

- Financial Action Task Force
- Financial Action Task Force of Latin America
- Caribbean Financial Action Task Force
- Egmont Group of Financial Intelligence Units

Netherlands

The Netherlands has undertaken a number of efforts to implement Security Council resolution 2316 (2016). Contributions include:

- Since 2009, supported EU NAFVOR Operation Atalanta with multiple military vessels. Also supported the European Union military mission to contribute to the training of Somali security forces (EUTM Somalia), which focuses on the military training of Somali National Army and advises the staff of the Somali Ministry of Defense. In 2017, contributed 15 military staff to the mission.
- Through the European Union Mission on Regional Maritime Capacity-Building in the Horn of Africa (EUCAP Somalia), provided strategic advice and mentoring of Somali counterparts, and expanded the capacity of Somali institutions to increase stability on land and off the coast of Somalia. In 2017, contributed 10 civil experts to EUCAP Somalia.
- Contributed 15 million euros from 2014 to 2017 to the New Deal for Somalia programme for the development of basic services in the health care, education, infrastructure and security sectors.
- Contributed to the Addressing Root Causes Fund on conflict and migration root causes, through two Dutch non-governmental organization consortiums.
- Contributed 1 million euros to the United Nations Office on Drugs and Crime programme to develop and build prisons and judicial courts in Somalia.
- From 2010 to 2012, prosecuted and convicted 23 suspected pirates in the Netherlands; 22 were returned to Somalia.
- Provided training to African Union Mission in Somalia military forces deployed in United Nations peacekeeping missions through the African Contingency Operations Training and Assistance programme of the United States of America.
- Contributed a ship to Operation Ocean Shield between 2010 and 2014.
- Contributed 6.4 million euros from 2012 to 2016 to the Somalia Stability Fund to support stability-generating actions in areas taken from Al-Shabaab.
- Supported the Federal Government of Somalia with 1.5 million euros to strengthen the capacity of the Federal Parliament in Mogadishu and the Parliaments of "Somaliland" and Puntland, and to strengthen the Somali judicial sector more generally.

Sweden

Sweden continues its support in countering piracy in the region by stationing five officers at Operation Atalanta headquarters. Parliament decided on a Swedish troop contribution to Atalanta starting in August 2017, with up to 135 military personnel. Sweden is one of the major contributors of personnel to EUCAP Somalia.

Turkey

Turkey considers piracy and armed robbery in the Gulf of Aden and off the coast of Somalia as a continuing threat to international security. Its active role in the area includes:

- Turkish naval vessels in the North Atlantic Treaty Organization Operation Ocean Shield until its conclusion in 2016. Turkey held command of this operation (Combined Task Force 508) on a rotational basis from December 2011 to June 2012.
- Turkey was part of the Combined Maritime Forces, an initiative led by the United States, and currently commands the Combined Task Force 151 for the fifth time.
- In accordance with resolution 2244 (2015), the mission of Combined Task Force 151 has been widened to include implementation of the charcoal ban to target the financing of terrorist organizations such as Al-Shabaab.
- To date, the Turkish Navy has carried out 26 operations in areas where it has escorted the vessels of different countries, provided secure and safe passage to vessels transporting humanitarian aid to Somalia and engaged with pirates in the exercise of its mission.
- Turkey has a comprehensive approach to fighting piracy and armed robbery at sea off the coast of Somalia that includes humanitarian assistance and development efforts, totalling more than $500,000,000, that aim to address the root causes of the problem.